



General Assembly

January Session, 2009

Raised Bill No. 951

LCO No. 3700

03700_____BA_

Referred to Committee on Banks

Introduced by:
(BA)

AN ACT CONCERNING NEIGHBORHOOD PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) As used in this section
2 and section 2 of this act:

3 (1) "Registrant" means the owner of vacant residential property who
4 is required to register such property pursuant to section 2 of this act.

5 (2) "Registry" means the information maintained by each
6 municipality, pursuant to section 2 of this act, of vacant residential
7 properties held by registrants.

8 (3) "Residential property" means a one-to-four family dwelling.

9 (4) "Vacant" means uninhabited.

10 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) Any person in whom title
11 to a residential property has vested after October 1, 2009, through a
12 foreclosure action pursuant to sections 49-16 to 49-19, inclusive, of the
13 general statutes or section 49-26 of the general statutes, shall register
14 such property with the town clerk of the municipality in which the

15 property is located (1) no later than ten days after the date title vests in
16 such person if such residential property is vacant on the date title
17 vests, or (2) if such residential property becomes vacant after title vests
18 in such person as a result of an execution of ejectment pursuant to
19 section 49-22 of the general statutes, then no later than ten days after
20 the date on which such property becomes vacant.

21 (b) The registration shall contain (1) the name, address, telephone
22 number and electronic mail address of the registrant and, if the
23 registrant is a corporation or an individual who resides out-of-state,
24 the name, address, telephone number and electronic mail address of a
25 direct contact; and (2) the name, address, telephone number and
26 electronic mail address of the local property maintenance company
27 responsible for the security and maintenance of the vacant residential
28 property. The registrant shall indicate on such registration whether it
29 prefers to be contacted by first class mail or electronic mail and the
30 preferred addresses for such communications. The registrant shall
31 report any change in the information provided on the registration no
32 later than ten days following the date of the change of information. At
33 the time of registration, the registrant shall pay a one-hundred-dollar
34 fee to the municipality.

35 (c) Registrants shall maintain vacant residential properties in a
36 manner comparable to neighborhood standards and registrants shall
37 (1) maintain landscaping on such properties; (2) remove or paint over
38 graffiti with an exterior paint that matches the existing color of the
39 structure being painted; and (3) replace broken windows.

40 (d) If the registrant fails to comply with the provision of subsection
41 (c) of this section, the municipality may issue a notice to the registrant
42 citing the conditions on such property that violate said subsection.
43 Such notice shall be sent by either first class mail or electronic mail, or
44 both, and shall be sent to the preferred address or addresses identified
45 on the registration. A copy of such notice shall be sent by first class or
46 electronic mail to the local property maintenance company identified

47 by the registrant on the registration as responsible for the security and
48 maintenance of the vacant residential property. Such notice shall also
49 comply with section 7-148gg of the general statutes.

50 (e) If the registrant does not repair such conditions after ten days
51 from the date on which the notice was mailed, the municipality may
52 enter such property for the purpose of repairing such conditions and
53 may fine the registrant for the actual cost of such repairs, provided
54 such municipality adopts a hearing procedure pursuant to section 7-
55 152c of the general statutes, as amended by this act, by which
56 procedure such fine shall be imposed.

57 (f) Any fines that remain unpaid and uncontested after sixty days
58 from the date on which the municipality issued notice of such fines to
59 the registrant shall be doubled. Unpaid fines shall constitute liens on
60 the residential property in accordance with section 7-148aa of the
61 general statutes, as amended by this act.

62 Sec. 3. Section 7-152c of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective October 1, 2009*):

64 (a) Any municipality as defined in subsection (a) of section 7-148
65 may establish by ordinance a citation hearing procedure in accordance
66 with this section. The Superior Court shall be authorized to enforce the
67 assessments and judgments provided for under this section.

68 (b) The chief executive officer of any such municipality shall appoint
69 one or more citation hearing officers, other than police officers or
70 employees or persons who issue citations, to conduct the hearings
71 authorized by this section.

72 (c) Any such municipality, at any time within twelve months from
73 the expiration of the final period for the uncontested payment of fines,
74 penalties, costs or fees for any citation issued (1) under any ordinance
75 adopted pursuant to section 7-148 or section 22a-226d, or (2) pursuant
76 to section 2 of this act, for an alleged violation thereof, shall send notice

77 to the person cited. Such notice shall inform the person cited: [(1)] (A)
78 Of the allegations against him and the amount of the fines, penalties,
79 costs or fees due; [(2)] (B) that he may contest his liability before a
80 citation hearing officer by delivering in person or by mail written
81 notice within ten days of the date thereof; [(3)] (C) that if he does not
82 demand such a hearing, an assessment and judgment shall be entered
83 against him; and [(4)] (D) that such judgment may issue without
84 further notice.

85 (d) If the person who is sent notice pursuant to subsection (c) of this
86 section wishes to admit liability for any alleged violation, he may,
87 without requesting a hearing, pay the full amount of the fines,
88 penalties, costs or fees admitted to in person or by mail to an official
89 designated by such municipality. Such payment shall be inadmissible
90 in any proceeding, civil or criminal, to establish the conduct of such
91 person or other person making the payment. Any person who does not
92 deliver or mail written demand for a hearing within ten days of the
93 date of the first notice provided for in subsection (c) of this section
94 shall be deemed to have admitted liability, and the designated
95 municipal official shall certify such person's failure to respond to the
96 hearing officer. The hearing officer shall thereupon enter and assess
97 the fines, penalties, costs or fees provided for by the applicable
98 ordinances and shall follow the procedures set forth in subsection (f) of
99 this section.

100 (e) Any person who requests a hearing shall be given written notice
101 of the date, time and place for the hearing. Such hearing shall be held
102 not less than fifteen days nor more than thirty days from the date of
103 the mailing of notice, provided the hearing officer shall grant upon
104 good cause shown any reasonable request by any interested party for
105 postponement or continuance. An original or certified copy of the
106 initial notice of violation issued by the issuing official or policeman
107 shall be filed and retained by the municipality, and shall be deemed to
108 be a business record within the scope of section 52-180 and evidence of
109 the facts contained therein. The presence of the issuing official or

110 policeman shall be required at the hearing if such person so requests.
111 A person wishing to contest his liability shall appear at the hearing
112 and may present evidence in his behalf. A designated municipal
113 official, other than the hearing officer, may present evidence on behalf
114 of the municipality. If such person fails to appear, the hearing officer
115 may enter an assessment by default against him upon a finding of
116 proper notice and liability under the applicable statutes or ordinances.
117 The hearing officer may accept from such person copies of police
118 reports, investigatory and citation reports, and other official
119 documents by mail and may determine thereby that the appearance of
120 such person is unnecessary. The hearing officer shall conduct the
121 hearing in the order and form and with such methods of proof as he
122 deems fair and appropriate. The rules regarding the admissibility of
123 evidence shall not be strictly applied, but all testimony shall be given
124 under oath or affirmation. The hearing officer shall announce his
125 decision at the end of the hearing. If he determines that the person is
126 not liable, he shall dismiss the matter and enter his determination in
127 writing accordingly. If he determines that the person is liable for the
128 violation, he shall forthwith enter and assess the fines, penalties, costs
129 or fees against such person as provided by the applicable ordinances of
130 the municipality.

131 (f) If such assessment is not paid on the date of its entry, the hearing
132 officer shall send by first class mail a notice of the assessment to the
133 person found liable and shall file, not less than thirty days or more
134 than twelve months after such mailing, a certified copy of the notice of
135 assessment with the clerk of a superior court facility designated by the
136 Chief Court Administrator together with an entry fee of eight dollars.
137 The certified copy of the notice of assessment shall constitute a record
138 of assessment. Within such twelve-month period, assessments against
139 the same person may be accrued and filed as one record of assessment.
140 The clerk shall enter judgment, in the amount of such record of
141 assessment and court costs of eight dollars, against such person in
142 favor of the municipality. Notwithstanding any provision of the
143 general statutes, the hearing officer's assessment, when so entered as a

144 judgment, shall have the effect of a civil money judgment and a levy of
145 execution on such judgment may issue without further notice to such
146 person.

147 (g) A person against whom an assessment has been entered
148 pursuant to this section is entitled to judicial review by way of appeal.
149 An appeal shall be instituted within thirty days of the mailing of notice
150 of such assessment by filing a petition to reopen assessment, together
151 with an entry fee in an amount equal to the entry fee for a small claims
152 case pursuant to section 52-259, at a Superior Court facility designated
153 by the Chief Court Administrator, which shall entitle such person to a
154 hearing in accordance with the rules of the judges of the Superior
155 Court.

156 Sec. 4. Section 7-148aa of the general statutes is repealed and the
157 following is substituted in lieu thereof (*Effective October 1, 2009*):

158 Any unpaid fine imposed by a municipality pursuant to the
159 provisions of (1) an ordinance regulating blight, adopted pursuant to
160 subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-
161 148, or (2) section 2 of this act shall constitute a lien upon the real estate
162 against which the fine was imposed from the date of such fine. Each
163 such lien may be continued, recorded and released in the manner
164 provided by the general statutes for continuing, recording and
165 releasing property tax liens. Each such lien shall take precedence over
166 all other liens filed after July 1, 1997, and encumbrances except taxes
167 and may be enforced in the same manner as property tax liens.

168 Sec. 5. Subsection (a) of section 49-73b of the general statutes is
169 repealed and the following is substituted in lieu thereof (*Effective*
170 *October 1, 2009*):

171 (a) Any municipality which has incurred expenses for the
172 inspection, repair, demolition, maintenance, removal or other
173 disposition of any real estate in order to secure such real estate or to
174 make it safe, [and] sanitary or in compliance with neighborhood

175 maintenance standards under any provision of the general statutes or
176 any municipal building, health, housing or safety codes or regulations
177 shall have the right to recover such expenses from the owner of the
178 real estate for which such expenses were incurred.

179 (b) The interest of each person in such real estate shall be subject to a
180 lien for the payment of such expenses, which lien shall take precedence
181 over any other encumbrance except municipal tax assessments on such
182 real estate. No such lien shall be valid, unless the municipality, within
183 thirty days after such work has ceased, files a certificate of such lien
184 and gives notice to the owner of the real estate in the same manner as
185 provided in section 49-34. Simultaneous with the filing, the
186 municipality shall make reasonable efforts to mail a copy of the
187 certificate by first class mail to the lienholder's current or last-known
188 address.

189 (c) The interest of each person in the proceeds of any policy
190 providing insurance coverage issued by an insurance company for a
191 loss to a covered residential or commercial structure, including any
192 policy written pursuant to the provisions of section 38a-670, shall be
193 subject to a lien on such proceeds for the expenses incurred by a
194 municipality pursuant to the provisions of subsection (a) of this
195 section, provided such municipality, within thirty days after such
196 work has ceased, files a certificate of such lien and gives notice to such
197 interested person in the same manner as provided in section 49-34.

198 (d) Any municipal lien filed pursuant to the provisions of this
199 section may be foreclosed in the same manner as a mortgage.

200 (e) Any certificate of lien filed pursuant to this section shall exist
201 from the fifteenth day succeeding the date of entry of such certificate in
202 the land records.

203 (f) Any municipal lien filed pursuant to this section may be
204 discharged or dissolved in the manner provided in sections 49-35a to
205 49-37, inclusive.

206 (g) Nothing in this section shall prevent an insured owner,
207 mortgagee, assignee or other interested party from negotiating a
208 dissolution of any such lien on the insurance proceeds, enabling the
209 insurance company to disburse said proceeds.

210 (h) The provisions of this section shall not apply to policies on
211 single-family or two-family dwellings, unless such dwellings are
212 vacant residential properties owned by a registrant subject to sections
213 1 and 2 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	7-152c
Sec. 4	<i>October 1, 2009</i>	7-148aa
Sec. 5	<i>October 1, 2009</i>	49-73b(a)

Statement of Purpose:

To protect residential property values by requiring owners of foreclosed properties to maintain such properties in accordance with specified standards.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]